



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,410	09/05/2003	Dennis Anthony Jones	004415.00003	7394

7590 05/13/2005

James E. Bradley
Bracewell & Patterson, L.L.P.
P.O. Box 61389
Houston, TX 77208-1389

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT PAPER NUMBER

3635

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,410

Applicant(s)

JONES, DENNIS ANTHONY

Examiner

Yvonne M. Horton

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 2-5, 7, 8 and 10-13 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/18/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: SEE THE ATTACHMENT

PW

DETAILED ACTION***Withdrawal of Allowable Subject Matter***

The indicated allowability of claims 2,7 and 8 is withdrawn in view of a more careful review of the reference(s) to Rickman and the United Kingdom patent GB 2 378 207. Rejections based on the newly cited reference(s) follow.

Claim Objections

Claim 10 recites the limitation "said one orientation" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-5 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,112,493 to RICKMAN. RICKMAN discloses the use of a conservatory framework including an eaves structure (see figures 3 and 4) formed from a roof and a joint connection that consists of a two part connector (17,36) interconnecting adjacent profiled sections (18) such that the connector parts (17,36) are angularly adjustable (as at 24 and 37) to one another about and axis perpendicular to the longitudinal axis of the frame, column 4, lines 16-19. The conservatory of RICKMAN also includes a sill (S) (shown but not identified) for mounting windows (as at 10) located below the eaves, see the marked attachment. In reference to claim 3, the connector part (36) being arranged to interfit within a slot of the profiled section (18), column 4, lines 7-11; wherein, the connector part (36) telescopes within the profiled section (18). Regarding claim

Art Unit: 3635

4, the connector part (36) is provided with a projection (37) arranged to be superimposed on a track (23) of the projecting wing (21,22). In reference to claim 5, the connector parts (36) is the load transmitting member.

Claims 7,8,10 and 11 are rejected under 35 U.S.C. 102(a) as being anticipated by GB 2 378 207. GB 2 378 207 discloses a framework including first (12) and second (14) frame members coupled together in angular relation to one another by a coupling arrangement consisting of a plate (126) having an upstanding pivot post (124), and a channel (128) extending longitudinally thereof; wherein the channel (128) receives the plate (126) maintaining it captive against separation from the first member (12) in a transverse direction thereto. The arrangement further includes an arm (130) that is coupled to the second frame member (14) by also being coupled to the pivot post (124). Regarding claim 8, the channel (130) includes an opening (132) from which the pivot post (124) projects transversely therethrough with respect to the first frame member (12). In reference to claims 10 and 11, the arms (130) of the plate (126) are restrainers that act with the flanges (134) to prevent movement of the plate (126) from the channel (128) or from its active position, see figure 6. In this manner, when the upstanding pivot post (124) and plate (126) pivots in a first direction the plate (126) encounters resistance to turning when engages with flanges (134).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

Art Unit: 3635

be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2 378 207 in view of US Patent #6,112,493 to RICKMAN. GB 2 378 207 discloses the basic claimed framework except for explicitly detailing that his frame members are in fact "hip" and "jack" rafters. Although GB 2 378 207 is silent in this regard, RICKMAN who discloses a very much similar arrangement teaches that it is known in the art to identify the roof frame members as a hip frame member (17) and a jack rafter (18). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the members (12) and (14) of GB 2 378 207 be also properly identified as hip and jack rafters.

Allowable Subject Matter

Claim 6 is allowed.

Art Unit: 3635

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

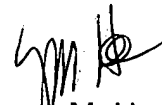
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvonne M. Horton
Art Unit 3635
5/11/05

ATTACHMENT

U.S. Patent

Sep. 5, 2000

Sheet 1 of 3

6,112,493

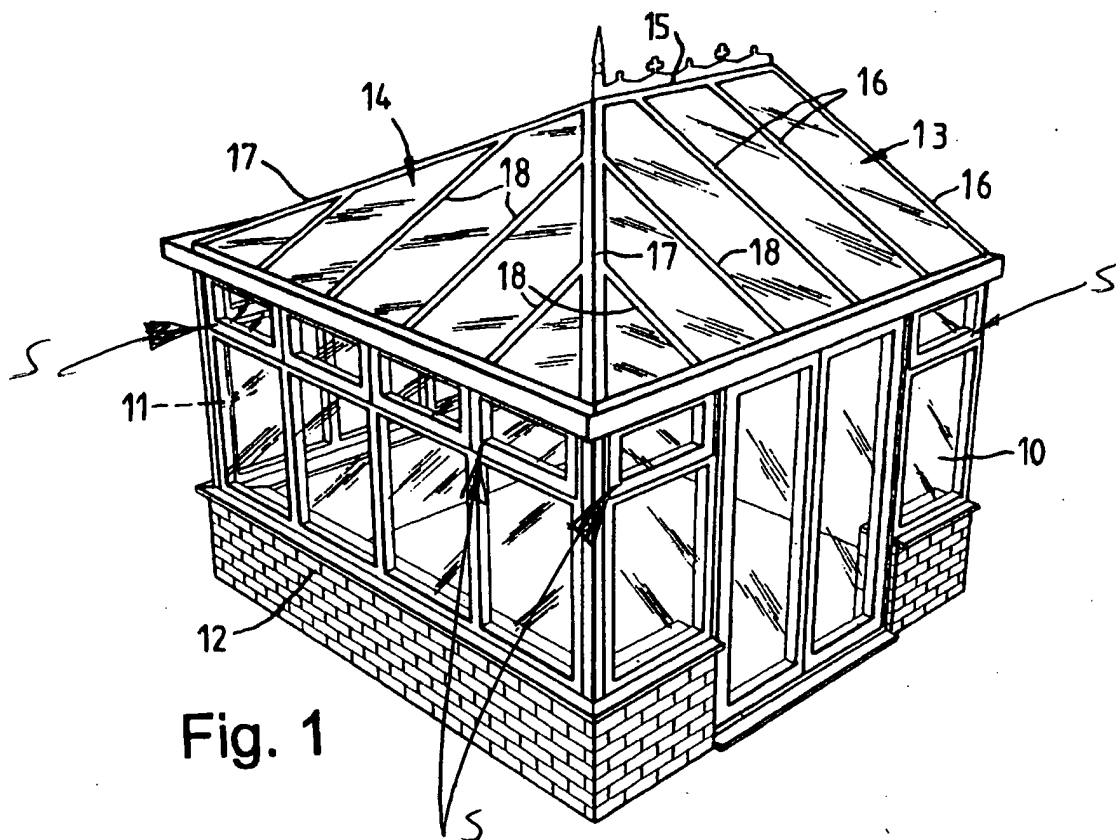


Fig. 1

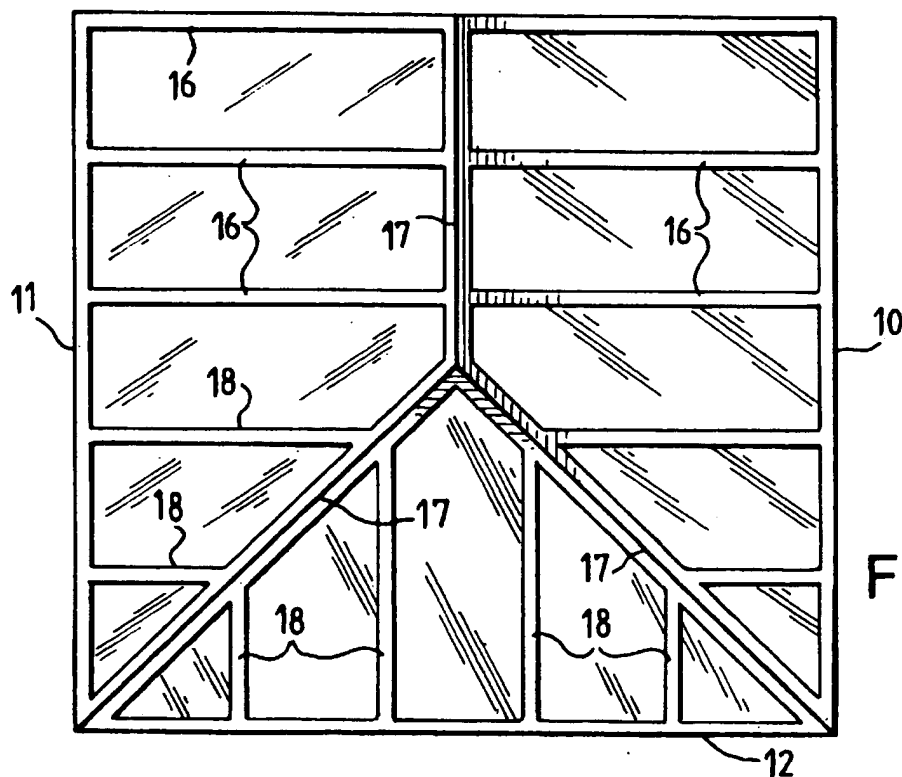


Fig. 2